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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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7590

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EXAMINER

HOOSAIN, ALLAN

ART UNIT

PAPER NUMBER

2645

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DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865,897

Applicant(s)

MINE, TAKASHI

Examiner

Allan Hoosain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show a legend identifying and describing the labels as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Regarding claim 1, the phrases "or the like" and "and the like" in lines 3 and 11 render the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like" and "and the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

4. Regarding claim 8, the phrase "or the like" in line 8 renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

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5. Regarding claim 7, the phrase "or the like" in lines 2 and 6 renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).
6. Regarding claims 5 and 9, the phrase "such as" in lines 5 and 6 respectively renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-6,9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by **Beach et al.** (US 6,084,528).

As to Claim 1, with respect to Figures 5 and 7, **Beach** teaches a digital information input system comprising:

an electronic information terminal device for inputting links (code information) regarding a product (search targeted article or the like) and for sending data including the code information (Figure 7E and Col. 11, lines 39); and

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a server for returning, to the digital information terminal device, digital information corresponding to the code information based on the data transmitted from the electronic information terminal device (Col. 11, lines 40-43),

wherein the electronic information terminal device sends the data including the code information regarding the search targeted article or the like and allows use of the digital information transmitted from the server after the code information regarding the search targeted article and the like is inputted (Col. 11, lines 35-43).

As to Claim 2, **Beach** teaches the digital information input system according to claim 1, wherein the electronic information terminal device has a short range radio link (an infrared reading portion) and serves a portable information terminal device for inputting and reading code information via the infrared reading portion (Col. 4, lines 43-45).

As to Claims 5,9, **Beach** teaches the digital information input system according to claim 1, wherein the electronic information terminal device has at least one of the following functions:

- displaying and saving the digital information returned from the server as a file such as an image file or a text file;

- playing and saving the digital information as a file such as a sound file; or

- providing information on an electronic information web by using a link of the digital information (Figure 7e and Col. 11, lines 32-43).

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As to Claims 6,10, **Beach** teaches the digital information input system according to claim 1, wherein the digital information includes URL (Col. 11, lines 32-43).

As to Claim 3, with respect to Figure 8, **Beach** teaches a digital information input system comprising:

an electronic information terminal device capable of sending data including a telephony request (search targeted phone number) (Col. 12, lines 26-29); and

a server for returning, to the digital information terminal device, a digital information corresponding to the telephony request (search targeted phone number) included in the data transmitted from the electronic information terminal device (Col. 12, lines 37-40),

wherein the electronic information terminal device sends the data including the phone number regarding the search targeted article or the like and enables use of the digital information sent from the server (Col. 12, lines 40-52).

As to Claim 4, **Beach** teaches the digital information input system according to claim 3, wherein the electronic information terminal device is a portable information terminal device capable of entering dial numbers (Figure 8, label 301).

9. Claims 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by **Sasanuma et al.** (US 6,201,616).

As to Claims 7-8, with respect to Figures 2 and 20, **Sasanuma** teaches a digital information system applying digital information to an article or the like by using a readable transparent ink,

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wherein the transparent ink is read by a transparent ink readable reading device loaded or connected to an electronic information terminal device for reading digital information in a form of the transparent ink so as to obtain information regarding the article or the like (Figures 1 and 20 and Col. 4, lines 60-65 and Col. 17, lines 30-39).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nakai et al. (US 6,094,281) teach an image reading device which detects invisible ink using infrared systems.

Jelen et al. (US 6,119,935) teach a portable terminal which scans barcodes and prepares a shopping list for transmitting to a retailer.

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231
or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Allan Hoosain
Allan Hoosain
Primary Examiner
2/23/04